

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

USDC-SDNY  
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DATE FILED: 9/28/2020

PARK EMPLOYEES' AND RETIREMENT  
BOARD EMPLOYEES' ANNUITY AND  
BENEFIT FUND OF CHICAGO,

Plaintiff,

v.

ENDO INTERNATIONAL PLC, RAJIV  
KANISHKA LIYANAARCHCHIE DE  
SILVA, SUKETU P. UPADHYAY, and  
PAUL V. CAMPANELLI,

Defendants.

20-mc-329 (RA)

ORDER

RONNIE ABRAMS, United States District Judge:

On September 18, 2020, Plaintiff Park Employees' and Retirement Board Employees' Annuity and Benefit Fund of Chicago filed a motion to quash a Rule 45 subpoena issued by Defendants Endo International plc, Rajiv Kanishka Liyanaarachchie De Silva, Suketu P. Upadhyay, and Paul v. Campanelli—all of whom are Defendants in litigation pending in Philadelphia, *Pelletier v. Endo International plc, et al.*, No. 17-cv-5114 (E.D. Pa.) (Baylson, J.) (the "Philadelphia Action")—to Virtu Financial, Inc. ("Virtu"), a non-party. Plaintiff contends that the subpoena is untimely and seeks irrelevant and cumulative documents.

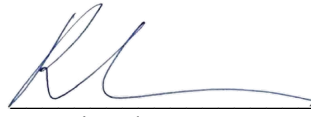
On the same day that Plaintiff filed the instant motion, it also filed a motion before Judge Furman seeking to quash another Rule 45 subpoena that Defendants issued to Siebert Williams Shank & Co., LLC ("Siebert"), a different non-party in the Philadelphia Action. *See Park Employees' and Retirement Board Employees' Annuity and Benefit Fund of Chicago v. Endo International plc et al*, No. 1:20-mc-00328-JMF (S.D.N.Y.). On September 21, 2020, Judge Furman issued an order stating, "The Court is inclined to believe that it would make more sense for the United States District Court for the Eastern District of Pennsylvania, which set the applicable deadline, to adjudicate the motion than for this Court to do so." *See* Dkt. 12-1. The

Court agrees with Judge Furman's assessment. Defendants have since filed letters in both this action and in the action before Judge Furman consenting to transferring the motion to the Eastern District of Pennsylvania pursuant to Rule 45(f) of the Federal Rules of Civil Procedure. *See* Dkts. 12 & 12-2. Defendants have also filed an opposition to Plaintiff's motion to quash. Dkt. 13.

No later than **September 30, 2020**, Plaintiff shall serve a copy of this Order on Virtu and promptly file proof of such service on the docket. No later than **October 2, 2020**, Virtu shall file a letter stating whether it consents to transferring the motion to the Eastern District of Pennsylvania pursuant to Rule 45(f) of the Federal Rules of Civil Procedure. Also by **October 2, 2020**, any party opposing transfer shall file a letter explaining its view as to why "extraordinary circumstances" do not justify transfer pursuant to Rule 45(f).

SO ORDERED.

Dated: September 28, 2020  
New York, New York

  
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Ronnie Abrams  
United States District Judge